

## **Chapter 1**

# **Base Closure Procedures**

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### **Public Law 101-510**

The National Defense Authorization Act for Fiscal Year 1991 (Title XXIX of Public Law 101-510) established new procedures for closing or realigning military installations inside the United States.

The Act established an independent Defense Base Closure and Realignment Commission. The Commission is charged with reviewing the base closure and realignment recommendations of the Secretary of Defense during calendar years 1991, 1993, and 1995. The Commission will not meet during calendar years 1992 or 1994.

The Act specifies procedures which the Congress, the President, the Department of Defense (DoD), the General Accounting Office, the General Services Administration, and the Commission must follow in order for bases to be closed or realigned inside the United States (see Appendix A). The Act defines "United States" to be the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States. The Act also establishes certain thresholds for applicability of the Act to closures and realignments, which are those established in section 2687, title 10, United States Code (see Appendix B).

### **1991 DoD Base Closure Actions**

Public Law 101-510 required the Secretary of Defense to submit to the Congress and the Commission a force structure plan for fiscal years 1992 through 1997. The Act requires that the Secretary's recommendations for closure or realignment be based on this force structure plan. The plan is summarized in Chapter 2. The complete force structure plan, which was provided to the Commission and to the Congress, is classified SECRET.

Public Law 101-510 also required the Secretary of Defense to develop criteria to be used in selecting bases for closure and realignment. In developing the criteria, the Secretary was required to publish proposed criteria in the Federal Register and solicit public comments. Chapter 3 describes the steps taken by DoD in developing the final criteria (also see Appendix C). The final criteria were subject to Congressional review between February 15, 1991, and March 15, 1991. The criteria became final on March 15, 1991.

Public Law 101-510 authorizes the Secretary of Defense, no later than April 15, 1991, to publish in the Federal Register, and transmit to the congressional defense committees and the Commission a list of military installations inside the United States that the Secretary recommends for closure or realignment on the basis of the force structure plan and the final criteria. This report describes the recommendations the Secretary made and transmitted to the Commission, the congressional defense committees, and the Federal Register. The recommendations, selection process, and justifications are summarized in Chapter 4.

Finally, the Department of Defense issued policy guidance to the Military Departments regarding the base closure and realignment analysis process, including guidance on application of the force structure plan and the final criteria. These memoranda are at Appendix D.

### The 1991 Commission

Public Law 101-510 established a Defense Base Closure and Realignment Commission to review the Secretary of Defense's base closure and realignment recommendations. The members of the Commission are appointed by the President with the advice and consent of the United States Senate.

The Commission is required to conduct public hearings on the recommendations. The Commission must report to the President by July 1, 1991, on its findings, conclusions and recommendations for closures and realignments inside the United States.

The Commission may make changes in any of the Secretary's recommendations if the Commission determines that the Secretary

deviated substantially from the force structure plan and the final criteria in making recommendations. The Commission is required to explain and justify in its report to the President any recommendation that is different from the recommendations made by the Secretary.

### **The Role of the General Accounting Office**

Public Law 101-510 provided for the General Accounting Office (GAO) to monitor the activities, while they occur, of the Military Departments, the Defense Agencies and the Department of Defense in selecting bases for closure or realignment under the Act.

The GAO is required to provide the Commission and the Congress with a detailed analysis of the Secretary of Defense's recommendations and selection process. The GAO report, due by May 15, 1991, is also intended to describe how the DoD selection process was conducted and whether it met the requirements of the Act. In addition, the GAO is required to assist the Commission, if requested, with its review and analysis of the Secretary's recommendations.

### **The Role of the President**

The President has an important role in establishing the Commission. The President nominates the eight commissioners and designates the Chairman of the Commission.

Public Law 101-510 specifies that the President is to receive the Commission's recommended closures and realignments by July 1, 1991. The President then approves or disapproves the Commission's recommendations by July 15, 1991. If the President approves the Commission's recommendations, he reports his approval to the Congress by July 15, 1991.

If the President disapproves the Commission's recommendations, in whole or in part, he informs the Commission and the Congress of the reasons for that disapproval, again by July 15, 1991. Should the President disapprove the Commission's recommendations, the Commission must revise its list of recommendations and forward the revised list to the President by August 15, 1991.

The President then approves or disapproves the Commission's revised recommendations by September 1, 1991. If the President approves the revised recommendations, he so informs the Congress by September 1, 1991.

Should the President not approve the revised recommendations by September 1, 1991, the 1991 procedures for selecting bases to be closed or realigned under the Act would be terminated.

### The Role of the Congress

The Congress of the United States plays a number of important roles regarding defense base closures and realignments. First, Congress established by Public Law 101-510 the exclusive procedures for selecting and carrying out base closures and realignments (other than minor actions under section 2687, see Appendix B). In establishing these procedures, the Congress' purpose was to provide a fair process that will result in the timely closure and realignment of military installations inside the United States.

Second, Congress asked the President in Public Law 101-510 to consult with the Congressional leadership on his nominations of individuals to serve on the Commission. In addition, the United States Senate is required to confirm those nominations.

Third, Congress maintains oversight over the base closure procedures through:

- o Authority to disapprove by law the Secretary's final criteria,
- o Receipt of the Secretary of Defense's force structure plan,
- o Receipt of the Secretary's recommended closures and realignments,
- o The role of the General Accounting Office, and
- o The requirement that the Commission's proceedings, information, and deliberations be open, on request, to designated Members of Congress.

Fourth, Congress has provided itself an opportunity to accept or reject the Commission's recommendations (through a joint resolution of disapproval) in their entirety by enactment of a law under expedited legislative procedures. Congressional disapproval of the Commission's recommendations must be accomplished through a joint resolution. The Congress established a 45-day period for its review, as computed under the law. The period begins on the date the President transmits his approval of the Commission's recommendations (Appendix A).

Finally, Congress must provide funds required to implement approved base closures and realignments.

### **Implementing Base Closures and Realignments**

Chapter 5 contains a description of the public laws, regulations, and programs which affect implementation of approved base closures or realignments inside the United States.

### **Applicability of the National Environmental Policy Act**

In establishing the new base closure and realignment procedures in Public Law 101-510, the Congress waived certain procedural elements of the National Environmental Policy Act (NEPA). This will streamline the environmental impact analysis process associated with closure and realignment actions.

Specifically, Public Law 101-510 waived the procedures of NEPA as it would have applied to the actions of DoD and the Commission in recommending bases for closure and realignment, and to the actions of the President in approving or disapproving the Commission's recommendations (see Appendix A).

DoD, in carrying out its responsibilities under Public Law 101-510, included environmental impact as one of the final criteria for selecting bases for closure or realignment (see Chapter 3). Consequently, while environmental impact analyses will not be accomplished under the provisions of NEPA for DoD's recommendations, the impact on the environment is a consideration in DoD's analysis.

NEPA will apply to DoD's actions in disposing of property and relocating functions to receiving bases (see Chapter 5).

### **Defense Management Report**

DoD has been aggressively implementing the Secretary of Defense's July 1989 Defense Management Report (DMR) to the President. The DMR set forth a plan to implement the Packard Commission's recommendations, to improve the performance of the defense acquisition system, and to manage the Department and DoD's resources more effectively.

Implementation of the DMR is an integral part of DoD's overall effort to streamline and restructure the Armed Forces, as are DoD's base closure and realignment efforts under Public Law 101-510.

The underlying philosophy guiding DMR management improvements is to centralize policies, procedures, standards, and systems while decentralizing their execution and implementation. This has led to major organizational changes that are improving DoD's operational effectiveness. As a result of its implementation of the DMR, DoD is reducing the cost of doing business by cutting excess infrastructure, eliminating redundant functions, and initiating common business practices.

In general, implementing DMR actions at any one installation will fall below the thresholds established by Public Law 101-510 for reporting to the Commission. However, DoD issued guidance to the Military Departments to track DMR and other similar actions at installations subject to Public Law 101-510. The guidance required that the employment impacts of these actions be aggregated if they would have been reportable to the Commission, other than for the fact they were below the law's numerical thresholds (see Appendix D). If the cumulative employment impact exceeds the thresholds at an individual base, the guidance required that they be reported to the Commission.

### **Overseas Basing**

Chapter 2 contains a section on the need for overseas basing. However, as the United States reduces its overseas forces, ending or

reducing operations at overseas sites has become an important part of Defense planning and budgeting.

The base closure and realignment procedures established by Public Law 101-510 for domestic bases do not apply to overseas bases.

The Secretary of Defense has the authority to end or reduce the operations of U.S. overseas forces. The Department of Defense carries out these actions in consultation with our allies and in accordance with the terms of international treaties or agreements.

The Department of Defense has established an ongoing process to announce reductions or cessations of operations overseas. To date, DoD has announced it will end or reduce its operations at almost 200 overseas sites. That represents about 12 percent of the total sites overseas where U.S. forces operate, live, and work. As the U.S. continues to drawdown its overseas forces over the next several years, substantial additional overseas closures are anticipated.

Basing overseas is often different than basing in the United States. In the United States, the areas which make up a base (operations and maintenance areas, training areas, offices, barracks, family housing areas, recreation areas, shopping areas, etc.) are often contiguous, with several properties often combined to make up a base. Overseas, each area is often distinct, separate and intermingled with local towns, farms and industrial areas. Appendix E provides a summary of DoD's worldwide base structure.